**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

**WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929**

**OP.No. 6852 of 2002(N)**
**----------**

**PETITIONER:**
**----------**

**M.DAMODARAN NAMBOODIRI,MANGATHAYA**
**KARTHIKA ILLOM,PERUMANNA P.O.,KOZHIKODDE-26**

**BY ADV. SRI.P.RAMAKRISHNAN**
**SRI.C.ANIL KUMAR**

**RESPONDENTS:**
**----------**

1. **STATE OF KERALA,REPRESENTED BY**
   **SECRETARY TO GOVERNMENT,FINANCE DEPARTMENT,**
   **SECRETARIAT,THIRUVANANTHAPURAM.**

2. **ACCOUNTANT GENERAL (A & E),OFFICE OF THE**
   **ACCOUNTANT GENERAL KERALA,THIRUVANANTHAPURAM.**

**BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20 /06 / 2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**ORDER ON CMP. NO.12152/2002 IN OP. NO.6852/2002**

**DISMISSED**

**20/06/2007** **SD/- T.R.RAMACHANDRAN NAIR, JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE G.O.(P) NO.922/95/(62) /FIN DT. 30.11.1995.**

**EXT.P2:- COPY OF THE G.O.(P) 514/96/(101)/FIN. DT.30.7.1996.**

**EXT.P3:- COPY OF THE COMMUNICATION NO.P2/PEN II/1368/M/95-96 /1024 DT. 23.10.01 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**

**/TRUE COPY/**

**tss**

**T.R. RAMACHANDRAN NAIR, J.**

**= = = = = = = = = = = = = = = = =**
**O.P. No. 6852 OF 2002 N**
**= = = = = = = = = = = = = = = = =**

**Dated this the 20th June, 2007**

**J U D G M E N T**

The petitioner retired from service as an Assistant Professor under the State Council of Educational Research and Training, on 30-6-1996. While he was in service an interim relief of Rs.100/- per month was sanctioned by the Government as per order dated 30-11-1995. Going by Ext. P1 the interim relief sanctioned will be reckoned for calculating average emoluments for the purpose of pension. But in the case of the petitioner the said benefit was not granted. He had filed a writ petition O.P. No. 4063 of 2001 and based on the directions issued he was given a reply as per Ext. P3 stating that as per G.O.(P) 514/96/(101)/ Fin. dated 30-7-1996 the interim relief cannot be reckoned for the purpose of calculating average emoluments for pension. Ext. P3 is challenged in this writ petition.

2. The learned counsel for the petitioner submitted that Ext. P2 dated 30-7-1996 based on which Ext. P3 has been passed came into force only after his

retirement and so many other officers like the petitioner who have retired from service prior to Ext. P2 have been given the benefit. This aspect is not considered in Ext. P3. Therefore, the question is whether the petitioner who had retired from service while Ext. P1 was in force can be denied the benefit of Ext. P1. Counsel for the petitioner seeks for an opportunity to file a detailed representation pointing out his claim and also all other instances where the benefit was granted to similar officers. Therefore, the writ petition is disposed of directing that if a fresh representation is filed by the petitioner within a period of six weeks from today detailing his claim before the respondents the same will be examined in accordance with law and the decision will be communicated to the petitioner within a period of three months from the date of receipt of the representation.

**T.R. RAMACHANDRAN NAIR**
**JUDGE**

jan/